IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO.1061 OF 2004
IN
SUIT NO.3181 OF 1992

Bimlasingh Ramlakhan Singh ....Plffs
vs.
Kamlasingh Ramlakhan Singh
and Anr. ....Defendants
AND
Smt. Ramrati Kamala Singh ....Respondents

S.P. Shukla with R.S. Upadhyay for the plffs.
D.S. Sakhalkar with M.A. Shah i/b. A.G.. Shah for defendant no.1 and 2.
Abhay Pande for defendant nos.5 to 10.

CORAM: S.U. KAMDAR, J.

DATE : 26TH APRIL, 2005.

P.C.:.

1. The present chamber summons is taken out for amendment of the plaint. By the present amendment various other facts and documents are relied upon inrespect of his claim that he is entitled to one-sixth share in the property situated at Santacruz. Learned

counsel for the defendant opposes the chamber summons on the ground that it changes the cause of action and further there is no explanation why the chamber summons is taken out after a period of 12 years of filing of the suit. I do not find from the reading of the averments which are proposed to be inserted that there is any change of cause of action. It is merely an additional material which the plaintiff is seeking to bring on record which he is entitled to.

2. In so far as delay is concerned, the amendment can be carried out at any stage of the proceedings. Such a question does not arise at the hearing stage. In view thereof chamber summons made absolute. Amendment to be carried out within 2 weeks.

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